

APR 24 2006

Telephone: (203) 461.7000
Facsimile: (203) 461.7300**Walker Digital
Management, LLC**

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To:	Central Facsimile - USPTO	From:	Veronika S. Leliever
	OFFICE OF PETITIONS		Senior Patent Paralegal
Fax:	571.273.8300	Pages:	34
Phone:	703.308.1202	Date:	April 24, 2006
Re:	99-086	Phone:	203.461.7035

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• Comments:

**PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY**

Re: Patent Application Serial No.: 09/536791
Attorney Docket No.: 99-086
Titled: "METHOD AND APPARATUS FOR CONDITIONAL PAYMENT"

**CERTIFICATE OF TRANSMISSION BY
FACSIMILE**

I hereby certify that this correspondence is Facsimile
Transmitted (fax no. 571.273.8300) to the:
Commissioner for Patents, Washington, D.C. 20231,
on April 24, 2006.

Dated: 4.24.2006 By:


Veronika S. Leliever

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TRANSMITTAL LETTER (General - Patent Pending)	APR 24 2006	Docket No. 99-086
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In Re Application Of: VAN LUCHÈNE ET AL.

Application No. 09/536791	Filing Date March 28, 2000	Examiner Lalita Hamilton	Customer No. 22927	Group Art Unit 3624	Confirmation No. 5835
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Title:

METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.37(b), 3 pp. (x2);
 Petition for Revival of an Application for Patent Abandoned Unintentionally, Applicants' Remarks, 2 pp.;
 Notification of Loss of Entitlement of Small Entity Status, 1 pg.;
 Amendment & Response to O.A. pp.;
 Exhibit "A", List of Actions - 1 pg.

In the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 500271 as described below.
- ☒ Charge the amount of \$1,500.00
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

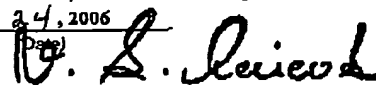

 Signature

Dated: April 24, 2006

Michael D. Downs
 Attorney for Applicants
 PTO Registration No. 50,252
 Walker Digital, LLC
 203.461.7292/phone
 203.461.7018/fax

Mdowns@walkerdigital.com

cc:

I hereby certify that this correspondence is being sent by fax to 571-273-8300 addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 24, 2006  Signature of Person Mailing Correspondence Veronika S. Leliever Typed or Printed Name of Person Mailing Correspondence

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)					Docket No. 99-086
In Re Application Of: VAN LUCHENE ET AL.					
Application No. 09/536791	Filing Date March 28, 2000	Examiner Lalita M. Hamilton	Customer No. 22927	Group Art Unit 3624	Confirmation No. 5835
Invention: METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER					
<u>Attention: Office of Petitions</u> <u>Mail Stop Petition</u> <u>COMMISSIONER FOR PATENTS</u> <u>P.O. Box 1450</u> <u>Alexandria, VA 22313-1450</u>					
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 					
<p>1. <input checked="" type="checkbox"/> A proposed reply to the above-identified notice or action:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> is enclosed. <input type="checkbox"/> was filed on _____</p> <p style="margin-left: 40px;">The proposed reply is in the form of: _____</p>					
<p>2. <input type="checkbox"/> The issue fee:</p> <p style="margin-left: 40px;"><input type="checkbox"/> is enclosed. <input type="checkbox"/> was paid on _____</p>					
<p>3. <input checked="" type="checkbox"/> The abandoned application was a:</p> <p style="margin-left: 40px;"><input type="checkbox"/> design application. <input checked="" type="checkbox"/> utility application. <input type="checkbox"/> plant application.</p>					
<p>4. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.</p>					
<p>5. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.</p>					

APR 24 2006

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
99-086

In Re Application Of: VAN LUCHENE ET AL.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/536791	March 28, 2000	Lalita Hamilton	22927	3624	5835

Title:

METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER

COMMISSIONER FOR PATENTS:

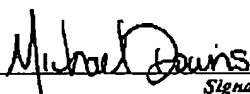
Transmitted herewith is:

Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.37(b), 3 pp. (x2);
Petition for Revival of an Application for Patent Abandoned Unintentionally, Applicants' Remarks, 2 pp.;
Notification of Loss of Entitlement of Small Entity Status, 1 pg.;
Amendment & Response to O.A. pp.;
Exhibit "A", List of Actions - 1 pg -

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 500271 as described below.
- ☒ Charge the amount of \$1,500.00
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

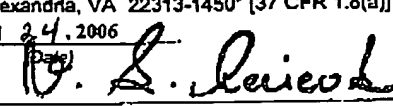

Signature

Dated: April 24, 2006

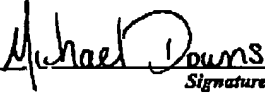
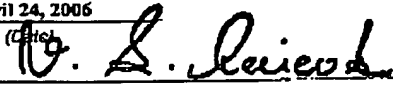
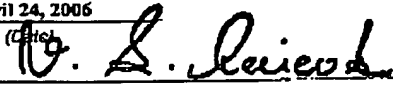
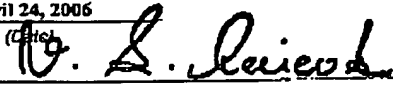
Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7018/fax

Mdowns@walkerdigital.com

cc:

I hereby certify that this correspondence is being sent by fax to 571-273-8300
addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 24, 2006

Signature of Person Mailing Correspondence
Veronika S. Leliever
Typed or Printed Name of Person Mailing Correspondence

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)					Docket No. 99-086	
In Re Application Of: VAN LUCHENE ET AL.						
Application No. 09/536791	Filing Date March 28, 2000	Examiner Lalita M. Hamilton	Customer No. 22927	Group Art Unit 3624	Confirmation No. 5835	
Invention: METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER						
Calculation and Payment of Fees						
Enclosed are the following fees:						
6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:					<u>\$1,500.00</u>	
7. <input type="checkbox"/> Fee for reply in the amount of:					<u> </u>	
8. <input type="checkbox"/> Issue fee in the amount of:					<u> </u>	
9. <input type="checkbox"/> Continuing application filing fee in the amount of:					<u> </u>	
10. <input type="checkbox"/> Terminal disclaimer fee in the amount of:					<u> </u>	
11. <input type="checkbox"/> _____					<u> </u>	
Total fees enclosed:					<u>\$1,500.00</u>	
The fee of \$1,500 is to be paid as follows:						
<input type="checkbox"/> A check in the amount of the fee is enclosed.						
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 500271						
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)					Docket No. 99-086		
In Re Application Of: VAN LUCHENE ET AL.							
Application No. 09/536791	Filing Date March 28, 2000	Examiner Lalita M. Hamilton	Customer No. 22927	Group Art Unit 3624	Confirmation No. 5835		
Invention: <div style="text-align: center; margin-top: 10px;"> METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER </div>							
Statement							
<p>The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), Subsections (III)(C) and (D)).]</p>							
WARNING:							
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>							
 _____ Signature			Dated: April 24, 2006				
Michael D. Downs Attorney for Applicants PTO Registration No. 50,252 Walker Digital, LLC 203.461.7292/phone 203.461.7018/fax Mdowns@walkerdigital.com			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> I hereby certify that this correspondence is being sent by fax to 571.273-8300 addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 24, 2006  (Date) Signature of Person Mailing Correspondence Veronika S. Leliever Typed or Printed Name of Person Mailing Correspondence </td> </tr> </table>				I hereby certify that this correspondence is being sent by fax to 571.273-8300 addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on April 24, 2006  (Date) Signature of Person Mailing Correspondence Veronika S. Leliever Typed or Printed Name of Person Mailing Correspondence
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CC:							

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)					Docket No. 99-086	
In Re Application Of: VAN LUCHENE ET AL.						
Application No. 09/536791	Filing Date March 28, 2000	Examiner Lalita M. Hamilton	Customer No. 22927	Group Art Unit 3624	Confirmation No. 5835	
Invention: METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER						
<u>Attention: Office of Petitions</u> <u>Mail Stop Petition</u> <u>COMMISSIONER FOR PATENTS</u> <u>P.O. Box 1460</u> <u>Alexandria, VA 22313-1450</u>						
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.						
The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.						
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION						
NOTE: A grantable petition requires the following items:						
(1) Petition fee;						
(2) Reply and/or issue fee;						
(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and						
(4) Statement that the entire delay was unintentional.						
1. <input checked="" type="checkbox"/> A proposed reply to the above-identified notice or action:						
<input checked="" type="checkbox"/> is enclosed. <input type="checkbox"/> was filed on _____						
The proposed reply is in the form of: _____						
2. <input type="checkbox"/> The issue fee:						
<input type="checkbox"/> is enclosed. <input type="checkbox"/> was paid on _____						
3. <input checked="" type="checkbox"/> The abandoned application was a:						
<input type="checkbox"/> design application. <input checked="" type="checkbox"/> utility application. <input type="checkbox"/> plant application.						
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APR 24 2006

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**Docket No.
99-086

In Re Application Of: VAN LUCHENE ET AL.

Application No.
09/536791Filing Date
March 28, 2000Examiner
Lalita M. HamiltonCustomer No.
22927Group Art Unit
3624Confirmation No.
5835

Invention:

METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER**Calculation and Payment of Fees**

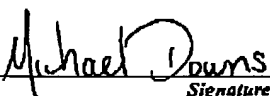

Enclosed are the following fees:

6. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$1,500.00
7. ☐ Fee for reply in the amount of: _____
8. ☐ Issue fee in the amount of: _____
9. ☐ Continuing application filing fee in the amount of: _____
10. ☐ Terminal disclaimer fee in the amount of: _____
11. ☐ _____
- Total fees enclosed: \$1,500.00

The fee of \$1,500 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 500271
- ☐ Payment by credit card. Form PTO-2038 is attached.

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Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)					Docket No. 99-086	
In Re Application Of: VAN LUCHENE ET AL.						
Application No. 09/536791	Filing Date March 28, 2000	Examiner Lalita M. Hamilton	Customer No. 22927	Group Art Unit 3624	Confirmation No. 5835	
Invention: <div style="text-align: center;">METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A SELLER</div>						
Statement						
<p>The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), Subsections (III)(C) and (D)).]</p>						
WARNING:						
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>						
 _____ Signature			Dated: April 24, 2006			
Michael D. Downs Attorney for Applicants PTO Registration No. 50,252 Walker Digital, LLC 203.461.7292/phone 203.461.7018/fax Mdowns@walkerdigital.com			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being sent by fax to 571-273-8300 addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <div style="text-align: center;"> April 24, 2006  Signature of Person Mailing Correspondence Veronika S. Leliever Typed or Printed Name of Person Mailing Correspondence </div> </div>			
CC:						

APR 24 2006

PATENT

Application No. 09/356791
Attorney Docket No.: 99-086

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: VAN LUCHENE et al.
Application No.: 09/536791
Filed: March 28, 2000
Title: METHOD AND APPARATUS FOR CONDITIONAL PAYMENT TO A
SELLER

Attorney Docket No. 99-086
Group Art Unit: 3624
Examiner: Lalita M. Hamilton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b) (Large Entity)
Remarks by Applicants

Dear Sir:

Through a review of the above-referenced case, it has come to Applicants' attention that the time limitation allowed by the USPTO to respond to the Notice of Informal or Non-Responsive Amendment mailed on May 24, 2005 has lapsed without a timely response having been filed.

The error stemmed from Applicants' reliance on CPI, a patent management software system that is used for docketing actions. Applicants rely on accurate descriptions of what type of action is necessary and also rely on accurate final due dates and reminders for extension of time. In this instance, a new employee improperly entered the wrong type of action - it should have been "Due Date - Election".

The new employee also failed to specify extension times and an eventual final due date - 1st extension, 2nd Extension, 3rd Extension, 4th Extension, Final Deadline instead of a generic "Action Due". (please see Exhibit "A" enclosed). The software system will be updated manually from now on in order to provide the above-mentioned dates for all similar future activities.

PATENT


Application No. 09/356791
Attorney Docket No.: 99-086

Please find enclosed a Response to the Office Action of May 24, 2005. Applicants respectfully request that the Response be reviewed and accepted to enable continuation of prosecution.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at (203) 461.7292. Please charge any fees that may be required for this paper, or with any other papers filed in connection with this application to Deposit Account No. 50-0271. A duplicate copy of this sheet is enclosed for such purpose.

Respectfully submitted,

April 24 2006
Date


Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7018/fax
Mdowns@walkerdigital.com